



PATENT
06701.P002XC4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nikolchev, *et al.*
Application No.: 10/600,298
Group Art Unit: 3743
Filing Date: June 20, 2003
Examiner: Andrea Ragonese
For: CONTRACEPTIVE TRANSCERVICAL
FALLOPIAN TUBE OCCLUSION
DEVICES AND METHODS

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

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Connie Thayer 6/20/2005
(Name) (Date)

Connie Thayer 6-20-05
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RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully submits the following remarks in response to the Office Action mailed December 20, 2004.

REMARKS

Interview Summary

Applicants wish to thank Examiner Ragonese and SPE Bennett for their time spent in the interview conducted on June 6, 2005. During the interview, Applicants' representatives provided background on Conceptus' *Essure* product, the litigation between Conceptus and Ovion and the pending requests to provoke interferences between certain Conceptus and Ovion patents and applications. In the process, Applicants presented an example of the *Essure* device and a depiction of its use within the fallopian tube.

Applicants discussed their reasons for traversing the rejections based on the cited Pinchuk and Lan references (as discussed below) and also distinguished the Hess reference (U.S. Patent No. 5,197,978) that was relied on in the March 10, 2005 Office Action in Ovion's 08/770,123 application. Applicants pointed out that Hess fails to disclose the tissue growth-related claim elements in the pending claims. Instead, Hess describes a stent which has the purpose of

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